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October 6, 2023

VIA E-FILING

Honorable Hector Gonzalez, U.S.D.J.
United States District Court
for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: **Becky Pund, et al. v. St. Francis College, et al.**
Civil Action No. 1:23-cv-1498-HG

Dear Judge Gonzalez:

As the Court is aware, this firm represents the Plaintiffs, Becky Pund and Charles Pund, in the above-referenced matter. Pursuant to the Court's Order, dated October 2, 2023, Plaintiffs respectfully submit this letter to explain that there is good cause to allow their claims against Defendant John Thurston to remain active and to allow additional time to confirm proper service under Federal Rule of Civil Procedure 4(m).

There are over 75 different John Thurstons in the New York/New Jersey area, and while many have an age listed that does not align with the Defendant in this matter, most do not provide that specificity making the due diligence involved in identifying the exact John Thurston more difficult than if he had not retired or if his residence was already known. Indeed, this office not only investigated the New York/New Jersey area, but expanded its due diligence to include Florida as well.

I have been in regular communication with my process server, including throughout yesterday and today, with a goal of providing more definitive closure to this issue for the Court by today's deadline. My process server has assured me that it will continue to prioritize confirming service on Mr. Thurston, so that with the Court's permission, I can file an affidavit of service with the Court as soon as possible and before Plaintiffs are scheduled to file their opposition papers to the pending motion brought by Defendants St. Francis College and Irma Garcia on October 25, 2023.

As the Court is also aware, since filing their Complaint and responding to inquiries from the Court to clarify issues of subject matter jurisdiction, this office has shared the highly emotional, sensitive, and challenging nature, the continuing wrong, and the compounded impact of this case. It is about significantly more than just Becky and Charles Pund as at least twelve (12) other young women in the basketball program reported being victims of similar, and at times more severe, unlawful conduct and comments. The Defendants were made aware of these cases, and while they are not currently named Plaintiffs in this action, these young women – and potentially their family members – will be considered as material witnesses as discovery unfolds. There is an enormous sensitivity to the nature of the allegations that has been referenced in the submissions to date and will have to be navigated by the parties with the guidance of the Court to protect each individual. It is with that same sensitivity and respect in mind that Plaintiffs have proceeded with caution in making these allegations against St. Francis College, and in turn, adding the individual Defendants – first, in the privacy of pre-litigation efforts to get the school’s attention and some resolution to these concerns, and in turn, with a thoughtful, good faith exercise in determining what parties, claims, and detail to include in filing a lawsuit.

This office has exercised the same sensitivity and respect in its attempts to identify the correct individual to ensure proper service on and participation by Mr. Thurston. This office submits that there is no prejudice to the Defendants, but rather a benefit to the efficient and effective use of the Court’s and all parties’ attention and resources, if Plaintiffs are afforded this limited amount of additional time within which to perfect service on an individual who is critical to this case – as both a named Defendant and material witness concerning the claims that have been brought by Plaintiffs against St. Francis College, Irma Garcia, and John Doe Defendants, whose identification is heavily intertwined with the inclusion of Mr. Thurston.

With deep respect and appreciation for the Court’s continuing understanding and courtesies in this matter, Plaintiffs submit that there is good cause in allowing additional time for service pursuant to Federal Rule of Civil Procedure 4(m).

Respectfully submitted,

s / James P. Gianakis

James P. Gianakis

cc: Ryan Soebke, Esq. (via e-filing)
Ariel Ronneburger, Esq. (via e-filing)